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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,723	09/25/2001	Thomas J. Conrad	04860P0823C4	2100

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EXAMINER
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PESIN, BORIS M

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/964,723	<b>Applicant(s)</b> CONRAD ET AL.	
	<b>Examiner</b> Boris Pesin	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Double Patenting*

Claim(s) 1-36 of patent #5583984 contain(s) every element of claim(s) 1-46 of the instant application and as such anticipate(s) claim(s) 1-46 of the instant application.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: COMPUTER SYSTEM WITH GRAPHICAL USER INTERFACE INCLUDING AUTOMATIC ENCLOSURES.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 7, and 8 recite the limitation "the particular enclosure" in line 16 of claim 1, line 4 of claim 7 and lines 4 and 8-9 of claim 8. There is insufficient antecedent basis for this limitation in the claims.

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Brewer et al. (US 5,347,628).

In regards to claim 1, Brewer teaches an apparatus for finding objects in a computer including a display and a pointing device with which a user drags a pointer on

the display, comprising: an input that receives an input signal to indicate a drag operation (i.e. *"In FIG. 2, the user has selected or "grabbed" drawer 17 with cursor 33 and has "dragged" or "pulled" drawer 17 to a partially open position. The "grabbing" operation is performed by placing the head of the cursor 33 on drawer 17, depressing one of the buttons of the mouse, and keeping the mouse button depressed while moving the mouse."* Column 3, Line 62); memory that stores a plurality of objects including enclosures in the memory, wherein enclosures comprise objects which may enclose other objects (Figure 1, Element 13); window opening logic, coupled with the display, that draws windows on the display corresponding to opened enclosures (Figures 1-6 Element 16), wherein a window for an opened enclosure includes identifiers within the window corresponding to objects enclosed by the opened enclosure (Figure 1, Elements 15-31); and temporary window logic, coupled to the display and the pointing device, that opens a temporary window for the particular enclosure to display identifiers within the temporary window corresponding to objects enclosed by the particular enclosure, in response to a drag during a drag operation of the pointer over an identifier corresponding to a particular enclosure (i.e. *"In FIG. 2, the user has selected or "grabbed" drawer 17 with cursor 33 and has "dragged" or "pulled" drawer 17 to a partially open position. The "grabbing" operation is performed by placing the head of the cursor 33 on drawer 17, depressing one of the buttons of the mouse, and keeping the mouse button depressed while moving the mouse. Movement of drawer 17 to the partially opened position has caused a window 35 to be displayed in a partially open position on display screen 11. Window 35 contains a list of data that*

*represents the contents of drawer 17. Drawer 17 contains personnel files, as shown by the label bar 37 in window 35. Label bar 37 is followed by a list of the files contained in drawer 17."* Column 3 Line 62 – Column 4 Line 7).

In regards to claim 7, Brewer teaches logic that determines whether the display includes an existing window for the particular enclosure during the drag operation to open a temporary window, and if so, then removes the existing window from the display. (i.e. *"If the user wishes to work with one of the files in drawer 17, he or she can pull the drawer open until the file that he or she is interested in appears in window 35, as shown in FIG. 3."* Column 4, Line 8). Since the window is redrawn, it is inherent for it to be closed then redrawn.

### ***Claim Rejections - 35 USC § 103***

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2, 11, 13, 18, 20, 26 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brewer et al. (US 5,347,628) in view of IBM TDB Vol. 35 No. 4B, September 1993.

In regards to claim 2, Brewer teaches all the limitations of claim 1. He does not teach an apparatus further including: logic, coupled to the temporary window logic and to the pointing device that closes the temporary window, in response to a drag during the drag operation of the pointer outside the temporary window. IBM TDB teaches, *"The user moves the mouse-pointer out of the active window borders (automatically causing the window to be minimized)"* Page 331. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brewer with the teachings of IBM TDB and include an apparatus to close a window when the mouse has moved out of the window zone with the motivation to provide an automatic, intelligent window management mode to overcome difficulties users experience with excessive, overlapping windows.

In regards to claim 11, Brewer teaches all the limitations of claim 1. He does not teach logic, coupled to the display and the pointing device that enables a temporary window selector responsive to additional user input to cause the temporary window to be opened, in response to a drag during a drag operation of the pointer over an icon corresponding to a particular enclosure. IBM TDB teaches, *"the user moves the mouse pointer ... over the desired icon (automatically causing that window to be restored)"* Page 331.

In regards to claim 13, Brewer teaches all the limitations of claim 1. He does not teach logic, coupled to the display and the pointing device that causes the temporary window to be opened, in response to a drag during a drag operation of the pointer over the temporary window region of an identifier corresponding to a particular enclosure.



IBM TDB teaches, *"the user moves the mouse pointer ... over the desired icon (automatically causing that window to be restored)"* Page 331.

In regards to claim 18, Brewer teaches an apparatus for finding objects in a computer including a display and a pointing device with which a user drags a pointer on the display, comprising: an input that receives an input signal to indicate a drag operation (i.e. *"In FIG. 2, the user has selected or "grabbed" drawer 17 with cursor 33 and has "dragged" or "pulled" drawer 17 to a partially open position. The "grabbing" operation is performed by placing the head of the cursor 33 on drawer 17, depressing one of the buttons of the mouse, and keeping the mouse button depressed while moving the mouse."* Column 3, Line 62); memory to store a plurality of objects including at least one hierarchy of enclosures in the memory, wherein enclosures comprise objects which may enclose other objects; (Figure 1, Element 13); window opening logic, coupled with the display, that draws windows on the display corresponding to opened enclosures (Figures 1-6 Element 16), wherein a window for an opened enclosure includes identifiers within the window corresponding to objects enclosed by the opened enclosure (Figure 1, Elements 15-31); and temporary window opening logic, coupled to the display and the pointing device that opens a current temporary window for a particular enclosure to display identifiers within the current temporary window corresponding to objects enclosed by the particular enclosure, in response to a drag during a drag operation of the pointer over an identifier corresponding to the particular enclosure, including logic that maintains a hierarchy of opened temporary windows and

the current temporary window (i.e. *"In FIG. 2, the user has selected or "grabbed" drawer 17 with cursor 33 and has "dragged" or "pulled" drawer 17 to a partially open position. The "grabbing" operation is performed by placing the head of the cursor 33 on drawer 17, depressing one of the buttons of the mouse, and keeping the mouse button depressed while moving the mouse. Movement of drawer 17 to the partially opened position has caused a window 35 to be displayed in a partially open position on display screen 11. Window 35 contains a list of data that represents the contents of drawer 17. Drawer 17 contains personnel files, as shown by the label bar 37 in window 35. Label bar 37 is followed by a list of the files contained in drawer 17."* Column 3 Line 62 – Column 4 Line 7). Brewer does not teach temporary window closing logic, coupled to the temporary window opening logic and the pointing device, that closes the current temporary window in response to a drag during the drag operation of the pointer outside the current temporary window. IBM TDB teaches, *"The user moves the mouse-pointer out of the active window borders (automatically causing the window to be minimized)"* Page 331. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brewer with the teachings of IBM TDB and include an apparatus to close a window when the mouse has moved out of the window zone with the motivation to provide an automatic, intelligent window management mode to overcome difficulties users experience with excessive, overlapping windows.

In regards to claim 20, Brewer and IBM TDB teach all the limitations of claim 18. Brewer does not teach an apparatus wherein the temporary window closing logic includes logic that after termination of the drag operation closes a particular temporary

window opened during the drag operation in response to movement of the pointer out of the particular temporary window. IBM TDB teaches, "*The user moves the mouse-pointer out of the active window borders (automatically causing the window to be minimized)*" Page 331.

In regards to claim 26, Brewer and IBM TDB teach all the limitations of claim 18. Brewer further teaches logic that determines whether the display includes an existing window for the particular enclosure during the drag operation to open a current temporary window, and if so, then removes the existing window from the display. (i.e. "*If the user wishes to work with one of the files in drawer 17, he or she can pull the drawer open until the file that he or she is interested in appears in window 35, as shown in FIG. 3.*" Column 4, Line 8). Since the window is redrawn within the system, it is inherently closed by the system and then redrawn by the system, because a system first has to close a window before it can redraw it.

In regards to claim 30, Brewer and IBM TDB teach all the limitations of claim 18. Brewer does not teach logic, coupled to the display and the pointing device, that enables a temporary window selector responsive to additional user input to cause the current temporary window to be opened, in response to a drag during a drag operation of the pointer over an identifier corresponding to a particular enclosure. IBM TDB teaches, "*the user moves the mouse pointer ... over the desired icon (automatically causing that window to be restored)*" Page 331.

Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brewer et al. (US 5,347,628) in view of Bronson (US 5305435).

In regards to claim 3, Brewer teaches all the limitations of claim 1. He does not teach an apparatus further including: logic that places a particular object into the particular enclosure, in response to a drag operation beginning from a position of a selected identifier corresponding to the particular object to another position within a temporary window. Bronson teaches, *"FIG. 4 further illustrates the case of pulling an application window back onto the screen area 20. To begin with, the main tab 38 is used to pull the window 22' back onto the screen, at least until the secondary window tabs 81-85 appear on the screen, at which point one of the secondary window tabs may be selected. As illustrated in FIG. 5, the secondary window tab 84 has been selected and is then used to drag the remainder of the window 22 onto the screen. Alternatively, the main tab 38 may have continued to be used to pull the window 22 onto the screen."* Column 7, Lines 23-33). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brewer with the teachings of Bronson and include an apparatus to drag an object to the window with the motivation to provide an interface that is intuitive, well organized, and easy to understand.

Claims 4 - 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brewer et al. (US 5,347,628).

In regards to claim 4, Brewer teaches all the limitations of claim 1. He does not teach an apparatus wherein the temporary window logic draws the temporary window

over the display. Official notice is given that it is well known in the art to draw a window over the pointer. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brewer and include an apparatus that draws a window over a pointer with the motivation to place windows in the location that the user desires.

In regards to claim 5, Brewer teaches all the limitations of claim 1. He does not teach an apparatus wherein the temporary window logic draws the temporary window on the display over the identifier corresponding to the particular enclosure. Official notice is given that it is well known in the art to draw a window over the identifier corresponding to the particular enclosure. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brewer and include an apparatus that draws a window over a pointer with the motivation to place windows in the location that the user desires.

In regards to claim 6, Brewer teaches all the limitations of claim 1. He does not teach an apparatus wherein the temporary window logic draws the temporary window on the display centered over the pointer. Official notice is given that it is well known in the art to draw a window centered over the pointer. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brewer and include an apparatus that draws a window over a pointer with the motivation to place windows in the location that the user desires.

In regards to claim 8, Brewer teaches all the limitations of claim 1. He further teaches logic that determines whether the display includes an existing window for the particular enclosure during the drag operation to open a temporary window, and if so,

then removes the existing window from the display. (i.e. *"If the user wishes to work with one of the files in drawer 17, he or she can pull the drawer open until the file that he or she is interested in appears in window 35, as shown in FIG. 3."* Column 4, Line 8).

Since the window is redrawn, it is inherent for it to be closed then redrawn because in order for the window to be redrawn it has to be closed. He does not teach an apparatus wherein the temporary window logic draws the temporary window on the display over the identifier corresponding to the particular enclosure. Official notice is given that it is well known in the art to draw a window over the identifier corresponding to the particular enclosure. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brewer and include an apparatus that draws a window over a pointer with the motivation to place windows in the location that the user desires.

Claims 23, 24, and 25 are in the same context as claim 6, 7, and 8; therefore they are rejected under similar rationale.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brewer et al. (US 5,347,628) in view of IBM TDB Vol. 35 No. 4B, September 1993.

In regards to claim 10, Brewer teaches all the limitations of claim 8. He does not teach logic, coupled to the temporary window logic and the pointing device that closes the temporary window, and redraws the existing window on the display, in response to a drag of the pointer outside the temporary window during a drag operation. IBM TDB teaches, *"The user moves the mouse-pointer out of the active window borders*

*(automatically causing the window to be minimized)*" Page 331. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brewer with the teachings of IBM TDB and include an apparatus to close a window when the mouse has moved out of the window zone with the motivation to provide an automatic, intelligent window management mode to overcome difficulties users experience with excessive, overlapping windows.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brewer et al. (US 5,347,628) in view of IBM TDB.

In regards to claim 27 Brewer teaches all the limitations of claim 18. Brewer further teaches logic that determines whether the display includes an existing window for the particular enclosure during the drag operation to open a temporary window, and if so, then removes the existing window from the display. (i.e. *"If the user wishes to work with one of the files in drawer 17, he or she can pull the drawer open until the file that he or she is interested in appears in window 35, as shown in FIG. 3."* Column 4, Line 8). Since the window is redrawn, it is inherent for it to be closed then redrawn. He does not teach an apparatus wherein the temporary window logic draws the temporary window on the display over the identifier corresponding to the particular enclosure. Official notice is given that it is well known in the art to draw a window over the identifier corresponding to the particular enclosure. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brewer and include an

apparatus that draws a window over a pointer with the motivation to place windows in the location that the user desires.

### ***Allowable Subject Matter***

Claims 9, 12, 14, 15, 16, 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 9, 12, 14, 15, 16, 17, 19, 21, 22, 28, 29, 31, and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (703) 305-8774. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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